



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-3231

NGB-PL (360-5)

21 April 1999

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, PUERTO
RICO, THE VIRGIN ISLANDS, GUAM AND THE DISTRICT
OF COLUMBIA

SUBJECT: (ALL States Log Number P99-0012) Interaction with Members of Congress

1. It is the responsibility of all members of the National Guard to avoid improper activity, or even the appearance of improper activity, when communicating with members of the United States Congress. Improper activity includes lobbying in violation of 18 U.S.C. § 1913 and misuse of Federal Government resources (including Government owned, leased, or funded property, communications, supplies, equipment, personnel, official time, etc.). The following information is provided as a guideline when interacting with the Congress.
2. Federal funds appropriated for the training and administration of the National Guard may not be used in furtherance of grass roots lobbying efforts where an attempt is made to induce the public to contact Congress and persuade Members to support or oppose pending legislation as articulated in 18 U.S.C. § 1913. DOD annual appropriation Acts provide that no DOD appropriations "shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress." These federal laws do not prohibit National Guard officials from expressing their views regarding the merits or deficiencies of legislation as long as they do not urge the public to contact Congress. In addition, Federal aircraft may not be used to travel to Washington to influence state or local interests in Congress. Travel to Washington in a federally funded status must be for the purpose of performing official military duties.
3. National Guard officials may communicate directly with a member of Congress for the purpose of providing information or soliciting the member's support for the Administration's position on any legislative matter, including legislation or appropriations, pending or not, whether or not such contact is invited. Unsolicited communications with members of Congress must be through official National Guard Bureau channels, that is, through those officials authorized to speak to Congress on behalf of the Bureau. If a National Guard member is in Washington for a valid federally funded official purpose, he or she may meet with elected officials or congressional staff.

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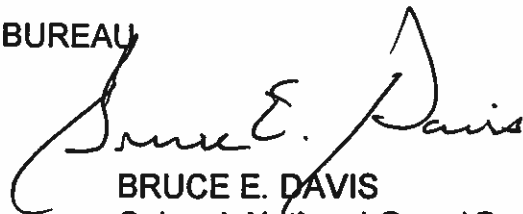
However, this meeting must not be a subterfuge for improper lobbying. The meeting must also not consume the major portion of the duty day or interfere with the federally funded official duties. Civilian attire should be worn by all National Guard members for these visits, whenever possible. The Office of Policy and Liaison (NGB-PL) must be advised of these meetings in advance. Notification may be made by telephone, but should be followed up in writing.

4. National Guard members are not authorized to attend congressional hearings in a federally funded duty status unless subpoenaed by proper authority or requested by the National Guard Bureau. Any such appearance must be coordinated through NGB-PL.

5. This policy is not intended to restrict any National Guard member in their personal capacity in communicating with a Member of Congress (see 10 U.S.C. §1034). Guard members may communicate with a Member of Congress, individually or through private organizations and/or associations, provided that the communication is lawful and no federal resources are utilized. Communications while in a National Guard state-funded duty status with Members of Congress depend upon interpretation of state and local law.

6. Anyone with any questions concerning interaction with the Congress should call NGB-PL at DSN 327-2783. This memorandum supersedes All States Log Number P95-0065, and expires one year from the date it is signed, unless it is rescinded or superseded prior to that date.

FOR THE CHIEF, NATIONAL GUARD BUREAU

A handwritten signature in black ink, appearing to read "Bruce E. Davis", is written over a horizontal line.

BRUCE E. DAVIS
Colonel, National Guard Bureau
Chief, Office of Policy and Liaison